*613 778 182 682 The nazaala as a regulatory mechanism functions only between secondary segments. This indicates that blood-revenge as a negative sanction is operative only in the external system of political relations. Political relations at this level, where the feeling of corporateness is relatively lacking, are in delicate balance. Therefore, once conflict is successfully mediated and the injury redressed, it is best forgotten, for it is unlikely that either party feels their rights have been completely restored.

• 683 Sanctions against personal injury, besides killing, are dealt out in terms of fines, the fines being figured as proportions of the diiya. Every part of the body has a price on it: the Bedouins say, "Banu Adam kill-i-filuus" ("The sons of Adam are all money"). A proportion of the diiya is due for injury to any of the following parts of the body: the beard, hair on the head and the nape of the neck, and eyelashes; wounds to any part of the body; fractures and dislocations of bones; the tongue and the teeth; the testicles and the breasts; and the loss of mind. Bodily injuries are [463] evaluated by a considered expert, the nathaara ("the keen-[305] eyed one"). If the services of a nathaara become necessary in al-Qasr, the barber in Marsa Matruh (the same person who performs most of the Bedouins' circumcisions) fills the role. [178] But the Bedouins say, "Now that we are educated we are able to make our own evaluations."

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671 Since Bedouin law, and not Egyptian law, still prevails in al-Qasr, personal injury cases must be expedited according to the 'awaiyid lest the greater sanctions embodied in the principle of self-help follow. Sanctioned fines for death and bodily injury are standardized in al-Qasr and in the whole Western Desert. One informant, a rajal khair ("good man") who sometimes adjudicated quarrels, possessed an authoritative paper which listed the injury and ensuing fine prevailing in al-Qasr when I was in the field. Below are the contents of this paper. The comments in parentheses were made by the man as I translated the paper: they were offered as the rationale behind Bedouin law.

[124]
[622]

L.E. 400 - for inflicting an injury upon a person which renders him sterile.
400 - for the intentional death of a man with a gun or knife.
400 - for causing the loss of a man's nose, ("Because to cut up a man's nose is to make him ugly.")
400 - for causing the loss of a man's eyes, 200 L.E. for each eye, ("Because without eyes a man can do nothing.")
400 - for causing the loss of a man's ears, 200 L.E. for each ear, ("Because a deaf man cannot work.")
300 - for the death of a man if caused by beating with sticks or stones, ("This is unintentional, for if you really wanted to kill the man you would use a better weapon.")
200 - for the intentional death of a woman with a gun or knife.
150 - for the loss of a hand.
150 - for the loss of a leg.
10 - for the loss of a front tooth, ("Because it is bad for a man's appearange.")
5 - for the loss of a rear tooth.

*613 ultimately, all-out warfare: the role of 'aqila is most
578 critical at this level. Abou-Zeid (1966:259) has suggested
182 an explanation for the delicate balance of political relations which exists between secondary lineage groups. He thinks that

[579] > . . . in the segmentary society of the Bedouin of the Western Desert . . . honour has played, and still plays, a most vital role in the field of social control, besides providing an effective code of morality . . . A slight offence inflicted against a lineage . . . is taken as an unfavorable humiliation requiring immediate retaliation to wipe out the shame, regain honour, and restore the same relations as formerly between the groups.

682 Homicide and wounding cases, which usually develop over con-
•683 flicting claims to land or water rights, are most prone to
578 lead to grand-scale conflict. Thus the 'aqila will always
*613 mediate and adjudicate these cases whereas he will not necessarily intervene in those cases involving tertiary groups where appeals to moral solidarity and kinship unity may succeed in restoring relations. It is difficult to muster evidence for this contention since conflict between tertiary groups is more of a private matter than it is public, and, once settled, such conflict is not likely to be discussed, or even admitted.

*613 Most of my details on conflict regulation and the
578 judicial process in al-Qasr involve political action between
619 secondary or primary groups, eighteen of the twenty-two cases
681 in fact. Of the nine cases dealing with personal injury (eight

578 *613 682 **Date: 1947**. Case: Quarrel between 'Ailit Dawlat and 'Ailit Zagharat of the 'Aishaibat concerning murder. The quarrel began over the ownership of land. Members of the Dawlat assaulted a member of the Zagharat but he did not die. Then members of the Zagharat killed a member of the Dawlat in revenge for the beating. Many 'awaaqil from the [571] [692] tribe came to judge this case. They told the Dawlat and the Zagharat: "Shame on you, you are of one tribe." The decision of the 'awaaqil was made according to the 'awaiyid Awlad 'Ali. A diiya of 400 L.E. was judged against 'Ailit Zagharat. The diiya was collected from all of the members of the Zagharat, and it was paid over the period of three years. The diiya was divided into two parts: one-half went to the sons of the killed man, and the other half went to the 'aiela.

Date: 1946. Case: Quarrel between 'Ailit Dawlat and 'Ailit Zagharat concerning murder. The conflict began when a member of the Dawlat argued with the Zagharat about a piece of land. One night when the man from the Dawlat and his father were on their way home some members of the Zagharat ambushed and killed the father. They did not bother the son because he was only a [571] [692] boy. The 'awaaqil settled the case, and the Zagharat paid a 400 L.E. diiya. In 1959, after all those years, the son and [683] his uncle ambushed the man from the Zagharat who had shot the father; they shot him four times. The man did not die but his leg was paralyzed and he lost the sight in one eye. The

578 Dawlat, on the decision of the 'awaaqil, paid a 200 L.E. diiya
*613 for the leg and the eye. After this, the two families resumed
682 friendly relations.
•683

[539] In the Name of God the Merciful,
It is the day, 28 Muharram 1382, the same as 1 July 1962. This agreement took place between the following parties: 'Ailit Abu Qarasa and 'Ailit al-Zallat. The reason for this agreement is the quarrel which happened on Wednesday, 24 Muharram, and 27 June. Out of this quarrel resulted the death of the late Juwaida Abd al-Salam. This agreement is made in the presence of the 'awaqil of the two parties and with their full approval (also present was Hajj 'Ali, an important rajal khair about whom we will have more to say). The offending group, namely 'Ailit al-Zallat, will go to live with Hajj Sabr Hamad al-Dawlat at Ras Abu Laha area, according to the way of the nazala among the Awlad 'Ali. 'Ailit al-Zallat may walk between Wadi Umm al-Shitan and Wadi al-Hawari on the west side, the sea on the north side, and the borders of the Qinaishat land on the southern side without a nazil (i.e. one from the protecting party). And if they go out from these mentioned borders, they must be accompanied by one from 'Ailit Dawlat. And if they go beyond the mentioned borders, without a nazil, no one from the protecting party has a right to stop them. And if any from the other party offends them within the mentioned borders, then 'Ailit Abu Qarasa will be subject to whatever is decided against them in accordance with the 'awaiyid Awlad 'Ali. This agreement was made and signed in the presence of the 'awaqil of the Abu Qarasa, and the period of nazala will be one year beginning the date of today. We hope for the help of God.

Signatures or seals of eleven men.
Signature and approval of Marsa Matruh Police Office
Dated: 1 July 1962

578 Date: 1919. Case: Quarrel between 'Ailit Zallat ('Aishaibat,
*613 'Ali Ahmar) and 'Ailit Hafiyan (Awlad Kharuf, 'Ali Abyad) con-
682 cerning murder. The problem began over the ownership of a well. Three men from the Hafiyan were killed, and in revenge the

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Date: 24 January 1946
Marsa Matruh

1st Party: 'Awaqil of so-called Harun Abd al-Zain of al-Kamailat

2nd Party: 'Awaqil of so-called Hamad Idris of al-'Aishaibat

Both parties, the first and the second, met before the 'awaaqil and witnesses to solve the prevailing problem between them concerning the wounding of so-called Harun Abd al-Zain who claims that this wound is from Hamad Idris. In the presence of the 'awaaqil all agreed that Hamad Idris should swear the oath and be supported by the below named. And the text of the oath which they will say, is: "By the truth (i.e. haqq, which also refers to a divine attribute) of the owner of this shrine, I swear that this bullet which hurt Harun is neither from me nor do I know who shot the bullet at the time of his injury." And a number of sixteen men must support him at the shrine of Sidi Yunis al-Jaraira on the date of Friday, the 29th of Saffar, 1946. And if any does not present himself for the oath, then the wounds which are present in Harun Abd al-Zain will be from the 'Aishaibat tribe. And if all swear this oath, the two parties will be even with each other. After this, none of them will hold anything against the other. This was issued in the presence of all of their 'awaaqil and with their satisfaction without any force or ill-will.

(On the original document is presented a list of the sixteen men from the lineage of Ma'fas of the 'Aishaibat who were chosen by the Kamailat to support Hamad Idris in the Oath.)

All of the seventeen above mentioned (including Hamad Idris) must be present at the shrine of Sidi Yunis al-Jaraira on the day Friday, 29 Saffar, in order to swear the oath, and this is what took place at the hand of witnesses, and God is the best witness.

Signatures or seals of all 'awaaqil who were present.

Day of the Oath:

It is on the day Friday, the last of the blessed month of Saffar, 1946. The 'Ailit Ma'fas of al-'Aishaibat, and with them 'Ailit al-Mahatha of al-Kamailat, came in order to swear the oath at the shrine of Shaikh Yunis al-Jaraira. And they swore this oath and the Kamailat became reconciled

683 578 *613 692 539 695

that they had received their rights in this case. And the two parties are satisfied by this according to the witnesses present.

Signatures or seals of four witnesses.

578 682 *613 692 571 619

The next case represents the only time in the memory of informants that all of the 'awaaqil of the 'Ali Ahmar met to intervene in a case of conflict. This case is extremely unusual because it may be the only time in Awlad 'Ali history that political mobilization of this scale has taken place. As noted, political action, in war or peace, usually involves only secondary segments. In view of this, the case probably [177] [648] reflects an instance of social change: the Egyptian government, anxious to maintain good relations with Libya, encouraged and facilitated the settlement of this dispute by furnishing transportation and cutting administrative red tape so that the 'awaaqil of the 'Ali Ahmar could handle this case in a most expeditious way. Here is a case where Bedouin traditional [182] political structures function adequately in the modern situation. Note here also that, in certain circumstances, the diiya payment can be divided symbolically and specifically to place guilt and to indicate the seriousness of a crime.

619 682 578 *613 [685]

Date: 1963. Case: Quarrel between the tribe of 'Ali Ahmar (Egypt) and the Harabi (Libya) concerning murder. A young boy of 'Ailit X was visiting his sister in Libya. He learned

*613 he was insistent upon his right to have her. She went to
619 see the "holy man," al-Sanusi, who lives near al-Qasr. (Al-
578 Sanusi is a descendent of "the Great Sanusi," the founder of
582 al-Samusiyya, who now lives in Egypt after having been exiled
793 from Libya.) Al-Sanusi decided to keep the girl at his farm
*613 until he could decide a course of action. One night, the
619 girl's cousin secretly came to the Sanusi farm and found her
578 room. The girl was sleeping. The cousin struck a match, the
582 girl awoke and was frightened. She jumped from her bed and
793 began to run, in so doing she fell down a flight of stairs
●683 and suffered a rupture. This was a serious offense which the
cousin had committed, and al-Sanusi decided that he should call
all of the 'awaaqil of the area to inform them of this. In the
meantime, he sent the girl back to her home and the cousin
continued to bother her concerning his rights over her.
[584] The cousin went so far as to "offer the blood-sacrifice for
her," a stage in the marriage process which signifies that the
union has been consented to by both families. The girl's
father was dead, and her brothers and uncles were unable to
keep the cousin away from the girl. (It may be assumed that
they were conscious of his rights to bint 'amm.) They had
even beaten him once. All of the 'awaaqil of 'Ali Ahmar and
[692] 'Ali Abyad, and the Marabtiin in the al-Qasr area came to meet
with al-Sanusi at his farm. He (al-Sanusi) said that they all

#613 must come because he, himself, was a Libyan and a member of
619 no tribe in Egypt. Al-Sanusi's petition was two-fold: he
578 said the cousin should be punished for violating his right of
582 privacy and property, and the question concerning the cousin's
793 right to the girl should be settled. The 'awaaqil decided
#683 that al-Sanusi should be awarded a kubaara of 1000 L.E. from
692 the tribes of the area, and that the girl should be permitted
to marry no man of the Qinaishat tribe. Al-Sanusi refused to
accept the kubaara, and this was the correct thing to do since
the kubaara, especially a large one, is only offered ritualistic-
ally. The 'awaaqil took note of the cousin's rights to his
bint 'amm: they said that since the girl refused to marry him
it would not be right if she married anyone else from the tribe.
#613 Furthermore, the 'awaaqil, on the basis of the cousin's behavior
619 in this matter, decided that the cousin was insane and should
734 be committed to an asylum. They informed the police in Marsa
[648] Matruh of this diagnosis and decision, and the police came and
transported the boy to the mental hospital in Cairo where he
is today. The uncles of the boy signed the papers which com-
mitted him.

2: Mohsen E.O-5 (1958-1966) 1971 MT9 Libyan Bedouin MT9
Awlad Ali

CHAPTER V

POLITICAL LEADERSHIP AND JUDICIAL PROCESS

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628 One of the most idstinguishing aspects of the legal system of Awlad Ali is the absence of any formalized judicial structure. Disputes are solved mainly through the mechanism of informal mediation rather than through formal hearings of a court during which the facts of each case are presented and judgment based on the facts is passed. This does not mean that formal hearings are not known on the area. For the "Mi'ad" or tribal hearing is a common and very important practice in the tribal proceedings. The Mi'ad, however, is not a tribal court. It is merely a gathering of all interested parties and anyone else who wished to attend, in which the agreement reached behind the scenes by means of negotiations are announced.

628 The first Mi'ad I attended was held in the house of Sheikh Mughaieb,
613 the Aqila (tribal leader) of bait Mughaieb of the Sanagrah tribal segment
683 in the area of Hammam, 60 miles west of Alexandria. The case that was to
[114] be settled at the Mi'iad involved the assaulting of Sheikh Mughaieb ty two younger members of bait Dauoud who lived in a nearby camp. The dispute started when Ali, the youngest brother (14 years old) of the two assailants, found a piece of iron in the desert. Suspecting that it was a mine, he took it away from the camp to the small garden in the backyard of Sheikh Mughaieb's house, surrounded it with dry weeds and set fire to it. The piece of iron was in fact a mine and it exploded, damaging the trees and a window on the Sheikh's property. At the sound of the explosion Sheikh Mughaieb rushed out and found the boy trying to run away from

628 683 613 the area. He caught him and slapped him and ordered him not to do it again. After a short while the boy returned with his two older brothers who protested Sheikh Mughaieb's hitting their younger brother. The argument developed into a fight during which the two brothers hit Mughaieb with a heavy stick over his head making him unconscious.

The Mi'ad was held two weeks after the incident. When I arrived at Sheikh Mughaieb's house, the meeting was being held in the guest room in the back of the house. Present at the meeting were Sheikh Mughaieb, his father, two distant relatives of Mughaieb who were visiting the area at the time; Sheikh Mutair, the Aqila of the powerful bait of Mutair located some twenty miles east of Mughaieb; the two assailants, their father who at the same time was the Aqila of their bait, and two neighbors of Sheikh Mughaieb.

[576] For the first half hour or so nothing was said. People were sitting silently except for occasional greetings of "how are you?" and the response of "thank God for everything". Tea was served frequently. Then [777] Sheikh Mutair addressed the gathering and read the "fatha" or the beginning passage of the Qoraan (which appeals to God to show his right ways to the believers and to guide them to wisdom). He then said, "In the blessed presnece of all these honorable guests and with the help of God and his prophet we will clear the hearts of those concerned of the grudges caused by the shameful and unfortunate incident in which the devil has played a major role." Then Sheikh Karim, the Aqila of the bait to which the accused belonged, continued the speech saying that this shameful thing should never have happened and that his sons must [867] have been possessed by the devil to have done it. After all, they have been brought up to respect their elders and especially Sheikh Mughaieb, who was like a second father to him.

628 who was like a second father to them. He praised Sheikh Mughaieb for be-
683 ing understanding. He then said that Sheikh Mughaieb was very generous
613 and that his sons had come to Mughaieb the day before and kissed the top
[576] of his head (an expression of respect for forgiveness). He said that no money, no matter how great, could erase the harm done by his sons but that he had offered to pay Sheikh Mughaieb the sum of 400 pounds as "kabara" or face-saving compensation. (The kabara will be discussed in a forthcoming chapter, but for the time being it is worth noting that the above amount is the maximum for such compensation since it equals the bloodmoney for a man). Then he turned to Sheikh Mughaieb and asked him to accept it in front of the respected guests. Sheikh Mughaieb then spoke for the first time and said that the two boys were like sons to him and that he had no hard feelings toward them anymore, since he believed that young people were sometimes carried away in their actions. He then proceeded to say that in honor of the honorable guests who took the time to attend the hearing he was forfeiting half the amount. At that time a woman brought the food the women were cooking for the gathering, and Sheikh Karim asked Mughaieb, "How about the honor of the good women of the house who have done all the work and cooked all the food? If you ask me, they deserve at least another hundred pounds." Mughaieb said, "All right, fifty pounds for the home of the women, but no more." After that Sheikh Karim paid the amount of a hundred and fifty pounds to Sheikh Mughaieb and shook hands with him. He also shook hands with the two young men who had assaulted him, and the gathering started the dinner and tea.

627 Not all Mi'ads in the area proveed with that smoothness. Many of
628 them are characterized by shouting and arguments and frequently no .

PHASE I

613 In September of 1956, Mansur from bait Eweidha of the Aggary Eila,
578 who works as a driver in one of the government projects in the area, went
682 to Alexandria with a friend, a member of the Gemei'at tribe. In one of
[464] the bars there, Mansur got drunk and entered into an argument with his friend. The argument turned into a fight during which he hit his friend with a broken bottle. Two days later, the friend died. A settlement was made between Mansur and the victim's family and bloodmoney was established at L. 300.

613 Two weeks after the above incident, the same person, Mansur, was
682 driving the government car on his regualr duty when he ran over two mem-
683 bers of the Sanagrah tribe who were sitting on the side of the road, killing one and breaking the leg of the other. Another settlement was made with the families of the victims. The bloodmoney for the dead man was established at L. 300 and another L. 50 was set as the compensation for the broken leg of the other man.

The total sum of compensations in the two incidents was divided among the sixteen baits constituting the Aggary Amar. The share of each bait was decided in proportion to the number of adult males (sayems) in each. The share of bait Asabei' alone was established at about L. 100.

613 As the Aqila of Bait Asabei', Shei'eb was responsible for collecting
682 the money from members of his bait. But for the following six months he
683 was unable to collect from any member of his bait, including Sheikh Hakim,
672 Shei'eb's cousin and the wealthiest person in bait Asabei' and the Aggary
558 Amar as a whole. Most of them gave the execuse that it was a bad year and they had lost most of their herds. When the money was not collected,

613 682 683 672 558 the victims' families sent their representatives to demand that the money be paid. To face the situation, a meeting of all the Awaqil of Eilat Aggary was called and Sheikh Selouma, the Aqila of bait Eweidha, took the responsibility of notifying the other Awaqil. The meeting was held in [115] the tent of Hemeida (my driver and informant) from the Sanagrah tribe. Each bait was represented by its Aqila with the exception of bait Asabei', from which both Shei'eb and Hakim were present. Since bait Asabei' was the only bait which did not submit to its share of the bloodmoney, the discussion centered around the inability of Shei'eb to collect it. In a gesture which he meant to appear as helping out Shei'eb, Hakim offered to pay not only his share but that of all members of bait Asabei', and followed his offer by handing the money to Sheikh Selouma. After this act which was a complete surprise to Shei'eb, Sheikh Slouma, the Aqila of bait Eweidha, suggested that Hakim should be considered as the Aqila of bait Asabei' instead of Shei'eb, who had demonstrated his inability to collect from members of his own bait. He emphasized the fact that he had nothing against Shei'eb who had legitimately acquired his position as Aqila by means of succession. But he insisted that the survival of the Amar depended upon the fulfullment of its financial obligations to outsiders and that Hakim was wealthy and could pay. Shei'eb did not comment and the rest of the Awaqil nodded indicating their agreement with Sheikh Selouma.

[124] The above is the summary of events that happened before I came to the area, and which were told to me by informants including the parties involved. Since most of these events occurred more than ten years ago,

613 it was impossible to verify the actual facts or to know what exactly
682 happened. But since the parties involved are still alive and since these
683 events are closely related to present-day happenings, the case is still
672 alive in the minds of the parties involved as well as those of outsiders-
558 Naturlaly, each party tries to present the facts in such a way as to
(124) support his own claims. Shei'eb, for example, insists that Hakim had
613 bribed members of bait Asabei' to refuse to pay their share in order to
682 embarrass him and make him appear as unable to perform his duties as
683 Aqila. "Hakim always had his eyes on becoming the Aqila of bait Asabei'," said Shei'eb, "but he had no business becoming the Aqila, so he had to make me look bad to the other Awaqil.... He likes to be looked up to as a big man, but it wouldn't work." While other members of bait Asabei' deny that Hakim had bribed them, they agree with Shei'eb that Hakim is a dishonest man. In fact, Hakim's reputation is so widespread in the area
156 that it has earned him the nickname of "the thief". The nickname was
551 given to him a few years ago when he went to Mecca for a pilgrimage with
788 another fellow tribesman. The latter told the story that while in Mecca
685 Hakim had found a purse with two hundred pounds in it. He was supposed to return the purse to the authorities or it would be considered as stealing if he kept it. Stealing in Mecca is not only a crime but also a great sin which makes the holy trip void for the offender. Hakim told his companion that he had given the purse to the authorities. But later, on their way back from Mecca, the friend found the purse hidden in Hakim's luggage. When the story was known in the area, he was referred to as
156 "the thief". Other accounts of Hakim's dishonesty are told throughout
685 the area, including stories of how he acquired his wealth through stealing
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156 [685] [439] equipment from the government projects and from smuggling sheep and merchandise across the Libyan border. Although some of these stories might be exaggerated, they all point to the fact that Hakim, despite his wealth, is not the most popular or reputable individual in bait Asabei', and that although Shei'eb is not a popular individual either, he definitely comes up the winner in any popularity contest between the two. The question is 156 613 558 682 683 why Hakim was selected by the Awaqil to replace Shei'eb. The case involved more than Shei'eb's inability to collect the money from members of his bait. Shei'eb's ineffectiveness seemed to have been taken as an excuse rather than as the direct cause. Many Aqaqil, before Shei'eb, had failed in collecting money from their own bait without being subject to direct challenge. What seems to be involved is more than a challenge to a particular member, Shei'eb. It is a challenge to the whole principle by which Shei'eb acquired his position as Aqila of bait Asabei': patrilineal succession.

156 159 613 463 683 554 [428] [779] Shei'eb is the youngest of four sons of the former Aqila of bait Asabei', Sheikh Elewa. For more than fifty years Sheikh Elewa was the undisputed Aqila of bait Asabei'. He also had considerable influence among other tribal segments throughout the whole of the Western Desert by virtue of his position as "nazzar", that is, the expert who assesses the amount of compensation for wound inflicted in a liable case. The position of nazzar is a hereditary one and had been handed down from father to son. The basis for his assessment of wounds are a number of old books believed to be obtained from Mecca and contain all the judgments of famous Islamic leaders in their assessments of wounds.

[428] Eleven years ago when Sheikh Elewa became blind and too old to

156 exercise his functions, he invited all the important people in the area
159 into a large gathering during which he announced that he was handing the
613 sacred books to Shei'eb, who was to become the nazzar and also to succeed
463 him as the Aqila of bait Asabei'. Although at that time Shei'eb was
683 fairly young, twenty-six, nobody questioned Sheikh Elewa's decision.
554 "He is the Aqila," said one informant, "and he has the right to decide
428 which of his sons is to succeed him. After all, he knows his sons better
[379] than anybody else and knows which one is best for the job." Most people
156 thought that Sheikh Elewa, being still alive and with clear thinking,
159 would help Shei'eb in performing his duties as Aqila. A few months after
613 Shei'eb took over his father's position, it became apparent that he was
554 too immature for the job. He tried to use his position to take money
578 from members of his bait and when they refused to give him any money, he
[661] entered into fights with a number of them. Rumors spread that he took bribes from the disputing parties who came to him for him to assess the legal compensation for wounds to raise or lower his estimate. But still people within bait Asabei' as well as outside it respected Sheikh Elewa's decision and did not challenge Shei'eb openly. But as time passed the dissatisfaction with Shei'eb grew. This dissatisfaction came mainly from members of the Amar who were affected directly by Shei'eb's actions, especially those actions which resulted in the payment of compensation for wounds inflicted in fights.

PHASE II

439 On the evening of May 16, 1966, two members of the Geneishat tribe of Matruh area came to Burg-el-Arab with a large shipment of smuggled cigarettes to leave with their partner in the area, Hadi, from the

582 557 of parley land or a well or to make him a partner in a business or smuggling activities or even as revenge on his uncle by keeping his daughters unmarried. In 1961 the heads of 25 prominant baits of various tribes 582 557 in the area of Matruh met and decided that the right of ibn 'amm had 178 become a major problem, and that invoking that right when the man had 613 no intention of marrying the girl had resulted in a number of disputes that became serious over a period of time. They felt that the time was suitable to revise that right and make it subject to the concept of fair behavior applicable to other rights. They wrote a new rule which speci- 582 fies that the man has the right to prevent his cousin from marrying an 557 outsider or a more distant relative only if he himself intends to marry 178 her either in the present or in the reasonable future. If the circum- 613 675 stances show that he cannot do so, then he forfeits the right.

[558] To prevent his cousin from marrying another man without a proven [681] intention on the part of the man to marry her himself in the foreseeable future, is considered as an unreasonable behavior for which ibn 'amm could be liable to pay kabara to his uncle as well as to the prospective groom. It also denies him the right of taking her away from [683] her marital residence by force. If he does this, he would be liable to the compensation for assault. The agreement was signed by the awaqil and is considered binding as far as the baits they represented are concerned. Other tribal segments in the area refuse to abide by the agreement and consider it as a pretentious departure from the ways of Awlad Ali which should not be encouraged. Even within the tribal segments involved in the agreement, there have been reports of individuals who refused to [629] abide by the agreement. In certain of these latter cases, the ibn 'amm selected as his mardi a member of a tribal segment not involved in the agreement and therefore not morally bound to abide by its contents.

593 and expenses to the husband that constitutes the most important check
586 on the otherwise undisputed right of the father to take away his
(583) daughter.

593 The woman, on the other hand, cannot refuse to go with her father,
562 for this means that she would be disobeying him. A woman who disobeys
586 her father is not worthy of his name. He can cut her off from the family, which means that she is left without any support or protection. A woman who is cut off from her family is left vulnerable to her husband and to society. She will have nobody to defend her or to be responsible for her actions. The responsibility for the woman's behavior is not transferred by marriage to the husband or his family.

682 If the woman kills or assaults someone or causes damage to property
683 for which compensation is required, her male kin pays the blood money or
602 the compensation on her behalf. It is sometimes stated that if the woman
613 has grown-up sons, they, and not her family, pay for her. Since the
562 children belong to their father's family, it may seem like transfering
593 the responsibility for the woman's actions to her husband's family. However, in all three cases where this happened, the woman was quite old, her father was dead, and her brothers were either dead or had moved outside the area and had cut off all relations with the area. She also had no nephews in the area. In such cases, the sons were the woman's closest male kin.

682 On the other hand, if the woman is the victim of murder or assault
683 for which blood money or compensation is to be paid, the husband is the
593 one to benefit from the situation. To understand why this happens, we
562 have to consider the contractual nature of marriage among Awlad Ali. It
584 has been mentioned earlier that before marriage is final, the prospective
583

584 husband or his father pays the woman's father the bridewealth, or mahr.
583 In exchange for the mahr, the husband expects his father-in-law to outfit his daughter with such items as rugs, blankets, and a few other household items, like cooking pots, serving dishes, and a metal or wooden chest [422] to keep her clothes in. These items become the private property of the wife, but the husband has the right to use them. In addition, the man 581 expects to gain certain rights to the woman. The customary law of Awlad 671 Ali gives the husband three basic rights over his wife: the right to her 585 sexual services (including the right to bear him children); the right to her labor in domestic activities; and the right to her obedience. Of the three rights, the first is the most exclusive. Not only doesthe husband have a complete monopoly over his wife's present sexual services, but he also has the right, if the girl has never been married before, to be the [583] first to use such services. If he discovers that she is not a virgin, he can send her back to her father and get back his mahr.

581 The other two rights are not as exclusive. The husband's right to 585 his wife's domestic labor does not prevent her from occasionally helping 593 out in her father's or brother's household, especially if they live nearby. Finally, the husband's right to be obeyed by his wife is always subordinated to that of her father, who retains the ultimate authority over his daughter.

482 If the woman is killed or injured, the husband is deprived of all 683 or some of her services, depending on the seriousness and the permanence 581 of the injury, and therefore is entitled to compensation. The right of 585 avenging the woman's murder remains, however, that of her family, since 593 she is still a member of that family.

682 "...It means that I will never lend my cooking pot to my neighbor
672 lest his child trip over it and I would be asked to pay his blood-
627
695 money."

So, the bloodmoney was divided into two sections, one to be paid by Hemeida, and the other to be the responsibility of the rope, which meant that the victim's relatives only took home half of the bloodmoney.

683 CASE #2: The Case of the Curious Neighbor

682 This is the case of 66-year-old Selouma whose barley land
578 bordered that of Muftah, a distant member of the same tribe. A
672 small area of rocky land separated the two areas. Throughout the time that Muftah was preparing his land for barley cultivation, Selouma used to sit on the dividing rocks, observing his neighbor work on his land and making jokes about the amount of time and effort Muftah was putting into his land, especially when it looked like a dry year, anyway, and no barley would be cultivated. For more than a week Muftah tolerated his neighbor's remarks. "I always said to myself, 'Don't follow the devil... He is an old man and doesn't know what he is saying.' But that day I could not take it any longer. My wife and children were sick, and I didn't have any money to bring them medicine or even food. I wanted to finish preparing the land because it looked like it was going to rain that day. I went to the area I was working on when Selouma started his jokes. I was mad. I took a small stone and threw it at him to scare him and make him stop. The stone hit his leg. It was a small stone, and I didn't think it would harm him. Actually, he stood on his

683
682 feet after that and left." It seems that later the wound got in-
672 fected. Six months after the incident, Selouma was taken to the
[578] hospital with an infected wound, and three days later he died from that infection. Selouma's son, Ali, demanded that Muftah pay a full bloodmoney (L.E. 400) for the death of his father, since the death was directly caused by the wound inflicted by Muftah. Muftah denied the charges and claimed that the infected wound which caused the death of Selouma was not the one inflicted by the stone. Media-
683
682 tions continued for some time, and when no agreement was achieved,
672 the aqilas of the two baits to which the parties belonged declared
695 that the decision should be made by the oath which Muftah had to
613 take if he insisted on his claims that the wound was not caused by his action. Since the case involved the life of a man, Muftah had to be supported in his oath by fifty-five adult male members of
[691] his 'amar, or 'eila. In accordance with the Daraieb, the selection
[708] was done by members of Selouma's Bait who also selected the tomb of the saint where the oath would be undertaken. On the date the oath was to be taken, the disputing parties, as well as all the notables of friendly tribal segments who were invited to witness the oath, went to the tomb of the saint. As they started with the procedures,
[784] two of Muftah's cousins who were to support him in the oath and his uncle refused to swear on the grounds that they were not sure that Muftah was telling the truth and therefore could not subject themselves to the supernatural hazards of taking a false oath. Attempts by other members who were to support Muftah were made to force the three men to swear, since their refusal meant that the bloodmoney

683 was to be paid unconditionally and consequently would cost all
682 members of the amar; but all these attempts failed. At this point,
672 there was no doubt on the part of the attending crowd about Muftah's
695 responsibility for the death of Selouma. The question was, how much
613 had he to pay. The amount requested by Selouma's son was that for "intentional" killing on the basis that Muftah had willfully thrown the rock knowing that it might harm Selouma, especially considering his age.

683 After long and intensive negotiations with the interested
682 parties, a Mi'ad was set in which it was announced that Muftah had
672 to pay the amount of L.E. 200. In his reasoning, he stipulated
627 that the wound which had caused the death of Selouma, although it was intentional on the part of Muftah, was inflicted by a stone which in itself is not a lethal weapon, and therefore the death was an unintentional one for which the bloodmoney is customarily estimated at L.E. 300. He also stated that in the excitement that
[845] followed the death of Selouma, Muftah's pregnant wife had lost the child. The bloodmoney for the still-born infant was estimated at L.E. 100, which was deducted from the amount of bloodmoney that Muftah had to pay.

CASE #3: The Case of the Trespasser

311 This case occurred during the year of the fieldwork which was
423 the second dry year the area experienced. Rain had not fallen ex-
613 cept in a very few places. One of these places was near the small
[132] town of Sidi Barrani in which the land belonging to Yadem and his Bait was found. Yadem had sown his barley which at that time had grown to about five feet high. Surrounding the cultivated land

682 they refuse to accept reduced compensation, they are viewed as unreason-
672 able by the rest of the groups in the area. One way in which such pres-
[626] sure is brought to bear upon the victim's acceptance of reduced compansation
682 is in the mi'ad, or the public hearing, in which the settlement achieved
672 is announced. The common practice is for the killer's group to agree to
627 pay the full amount specified by the traditional scale for compensation (L.E. 400 for killing with a lethal weapon and L.E. 300 for killing with a non-lethal weapon). Then, in the final mi'ad in which such agreement is achieved, a number of important members of non-involved tribal segments are invited to the mi'ad. During the mi'ad and immediately following the announcement that a settlement has been achieved and that the kin group of the killer has agreed to pay the traditional bloodmoney, the mardi or any one of the attendants to the mi'ad asks the victim's group to defer part of the payment in honor of important members of the tribal segments pres-
682 ent at the meeting. Sometimes a portion of the payment is forfeited in
672 honor of the tent or the women of the household who prepared the food or even for the blessing of one of the saints in the area. In the case of the curious neighbor (Case #2) above, out of the original amount specified for the death by non-lethal weapon estimated as L.E. 300, only L.E. 100 was actually given to the victim's kin group. In addition to the L.E. 100 deducted because of the death of the unborn infant of the offender, another hundred pounds was deducted in honor of certain important members who attended the gathering. It is interesting to note that the L.E. 100
[683] is compensation for the loss of the use of a leg in the formal scale of compensations for injuries as will be shown shortly. No such reduction in the amount of bloodmoney was done in the case of the trespasser where

682 as soon as he settles in the host's place, should unload the gun. In
672 addition to reducing the possibility of the gun being accidentally fired
411 and harming someone, this act expressed the trust of the guest in his
691 host and signifies the ability of the latter to protect his guest against
594 any harm. A person visiting another does not need his gun for protection
and therefore must unload it. If the owner of the gun fails to take this
682 customary precaution and leaves his gun loaded, and because of that fail-
672 ure the gun causes the death or injury of a person or even damage to prop-
411 erty, the owner is held responsible for that result. The same rule applies
to other deadly weapons, such as knives or daggers, as well as to animals
683 which are dangerous by nature, such as dogs. Each tent in the area has a
672 dog. Starting the first weeks in the puppy's life, he is trained to
231 guard the tent and to bark at the approach of any stranger. It is also
trained to attack any intruder who comes within fifty yards of the tent
unless accompanied by a member of the tent. When one goes to visit an-
other, he usually stays away from the tent until someone from the tent
hears the dog barking and comes out to get the guest. Most dogs would
not attack a person as long as he is the safe fifty yards away from the
tent. Occasionally, a dog goes behond the safe distance and b ites an
individual passing by or a guest waiting to be let inside the tent. If
the injured person is able to prove, usually by taking the oath, that
he was more than fifty yards away from the tent at the time he was at-
tacked by the dog, the dog's owner is liable to the victim for the in-
jury inflicted by the dog. If, on the other hand, evidence shows that
the victim was bitten by the dog while being less than fifty yards away
from the tent, then there is no responsibility on the part of the dog's

683 owner. This means that an element of neglect has to be proven on the part
672 of the owner of either a lethal weapon or a dangerous animal before he
231 is held responsible for the fdamage they cause. But whether dangerous or not, the role of such objects or animals, in causing the death or injury of the victim, is taken into consideration in assessing the exact amount to be paid as compensation.

682 In assessing the intention and consequently the amount of the tradi-
672 tional bloodmoney to be paid, the behavior of the offender is judged according to a traditional standard of reasonableness. In the case of the curious neighbor, Muftah, in his attempt to evade the payment of the full bloodmoney, presented an elaborate account of his neighbor's actions including the provocative statements that the latter had said, the jokes, and even the insults he had directed against Muftah. His attempt was to show that throwing a small rock at his neighbor was not an unreasonable behavior considering the provocations of that neighbor whose behavior was itself unreasonable. Although the victim's behavior was unreasonable, the response of Muftah to the provocations of his neighbor was also considered as unreasonable. He could have followed the traditional means of asking a third party to interfere and prevent the neighbor from continuing his insults. Instead, Muftah took the direct and unreasonable response which eventually led to the death of Selouma. It is that element of reasonableness that led to the reversal of the original settlement in the case of the startled shepherd (Case #4). When considering

682 a certain behavior in the context of reasonableness, the mediators draw
672 not only upon the immediate facts of the case under consideration, but
629 also upon the careful inquiry into the long history of interrelations

Part 2: Bodily Injuries

683 Awlad Ali recognize compensation for all sorts of bodily injuries sustained intentionally or accidentally. An elaborate scale of compensations is set as a basis for compromise. The basic principle involved is that an injury should be met by compensation in direct ratio to its severity, and the severity is assessed by the extent of a man's disability. Disability, in turn, is measured by the extent to which a man is prevented from participating in the communal activities which enable him to defend and maintain himself and his family according to the customary standards they are used to. It is a collective, as well as an individual, concern. A head injury or an injury to the hand may amount to a very serious defect if the person is unable to cultivate the barley fields or move with the herds for grazing or holding a gun to defend his family and group against an intruder who intends to do him harm. Death is considered the maximum disability, as are other injuries that take the person totally out of the collective activities, as in the case of injury resulting in paralysis or blindness. All other injuries are compensated by a fraction of the bloodmoney for homicide or L.E. 400.

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Scale of Compensation for Bodily Injuries

El damiah Sughra (a small wound which does not cut the skin)	L. 3
El damiah kubrah (a small wound which cuts the skin)	L. 6
El fakhera (a wound which cuts the skin and reaches the flesh under it)	L. 12
El badi'a (a wound which cuts the flesh on both sides)	L. 25
El mutifah (severe cuts to the flesh)	L. 30

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El malta (a wound which cuts the skin and flesh and reaches the fat next to the bone) L. 35

El muwadiha (a wound which cuts the skin, the flesh and the fat next to the bone and leaves the latter exposed) L. 50

El hashima (skull fracture) L. 100

El munkala (a head injury in which a piece of skull is removed) L. 150

El maimuma (a head wound that causes permanent brain damage) L. 400

Damage to the head hair:
if permanently damaged L. 100
if grew back without damage L. 20
(The above rule applies to the hair of the beard, mustache and eyelashes.)

Fracture of the hand: for each finger L. 50

Fracture of the arm: for each bone L. 50

Fracture of the leg: for each bone L. 100

Broken ribs (unspecified number) L. 100

Fracture of the foot L. 100

Paralysis or severance of the fingers: each joint (except those of the thumb) L. 33

Paralysis or severance of the thumb: each joint L. 50

Loss of two ears L. 400

Loss of one ear L. 200

If hearing is impared, the defect is measured in relationship to the total utility of the ears, and compensation is estimated accordingly.

Complete loss of the eyesight L. 400

Partial loss: to be assessed in proportion of that loss to the total utility.

Nose: if totally cut off L. 400

Piercing the nostrils L. 100

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If the two lips are cut off:	
just the lower lip	L. 400
just the upper lip	L. 300
	L. 200
Visible piercing of the lips	L. 50
The tongue: if results in total loss of speech	L. 400
Partial loss of speech is measured in proportion to that total loss.	
All the teeth	L. 400
Each tooth	L. 50
Testicles: if cut off	L. 400
The entire genitals	L. 800
The breasts:	
of a nubile woman	L. 200
of an old woman	L. 100

683 As in the case of homicide, the above scale of compensation works only as a basis for compromise rather than as a definite or exact fine.

683 To assess the amount of injury and therefore the category of compensation,
627 the victim and his group, as well as a representative of the offender,
463 have to take the injured person to the "nazzar" who examines him and defines the kind of injury sustained. The nazzar is usually a member of
[619] one of the Murabiteen tribes who is known to possess a number of shari's books specifying the injuries and the amount of compensation required in each case. Before he assesses the wounds, both parties have to swear that
[465] they will accept his judgment, and they pay him a token fee that varies according to the ability to pay and the position of the parties involved.
683 The amount of money estimated by the nazzar is not necessarily the final amount of money paid. For, as in the case of homicide, it is subject to deductions in honor of various members who attend the meeting in which

683 the settlement is announced. This deduction is determined by the same
683 factors involved in the case of homicide, such as the relationship be-
672 tween the parties involved and the presence or absence of an intention on the part of the offender to cause bodily harm to the victim, as well as the role the victim played in provoking the actions that led to his
683 injury. Injuries sustained during a fight are not as serious as injur-
672 ies sustained by ambushing the victim. In the latter case, the victim
673 had no chance to defend himself. Also, the number of people involved in the actions that led to the injury enter as a variable. If more than one individual attacks a victim, it is considered more serious than a man-to-man fight.

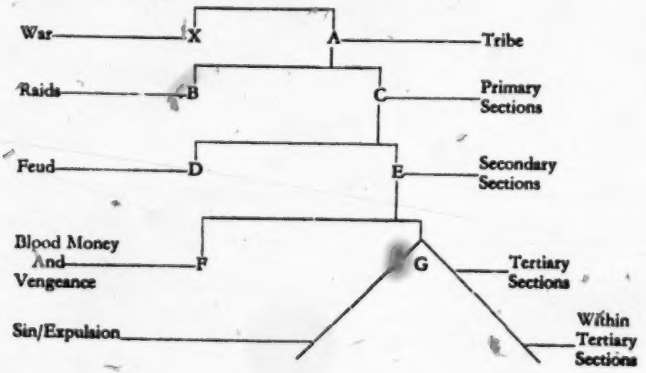
5: Peters E-5 (1948-1950) 1967 MT9 Libyan Bedouin MT9
Cyrenaica

would have dropped in on the camp. In another situation, two men entered a shop in a market-place; inside sat two men of a feuding group who, instead of retreating hastily, greeted those who had just entered, and the latter returned the greeting with blows on the head from the butts of their rifles. Markets in Cyrenaica are recognized to be places of peace. In their actions the two offenders not only injured two others but also broke a taboo in a public place. The victim's group now had to avenge not only the injury but the insult that the breach of taboo carried with it, as well. In most feud relationships this is characteristic. It is never a matter of a simple homicide, but of killing a man at the entrance to his tent, between the centre poles of his tent, or taking the life of a minor, or an elder too old to carry arms and so on. Each successive killing ensures that the hostile relationships will be perpetuated.

The third step in this exposition, therefore, is the association of a state of feud with the secondary order of segmentation.

When the relationships between the structurally superior primary tribal sections are examined, the arguments against the necessity for peace are stronger than in the case of secondary sections. Relationships between them are few and irregular. Only occasionally do members of these groups meet, and then often accidentally; very many men of collateral primary sections are complete strangers one to the other. If a homicide occurs between two primary sections it is unlikely that any attempt to open negotiations will be made. The offender's camp may be raided by a *ghazi* recruited from the victim's kinsmen. There would be no question of these primary sections going to war. On a raid firearms may be used, but the action is limited to a strike-and-run affair. If the issue is joined and members of both sides are ranged against each other they fight with sticks to avoid large-scale slaughter: warfare must not be allowed within the tribe. Wars belong to intertribal relationships. For one of these wars, apart from hearsay evidence, some records exist. These tell of a war which took place during the period 1860 to 1865, in which there were planned campaigns, the organization of fighters into groups, and provisions for a labour force in the home territory, large enough to produce sufficient food to maintain an army in the field. During this war several hundred people were killed.

At this point, it is possible to summarize the stages in this exposition of the Bedouin view in diagrammatic form.



8: Kennett G-5 (ca. 1921) 1925 MT9 Libyan Bedouin MT9

671 tives lost no time in taking legal proceedings at the Ourfi
672 court to claim bloodmoney from the owner of the cistern;
682 and on Ali's release from prison a very long and excessively
694 tedious lawsuit began.

The principle that a life had been lost and must be paid for was accepted without question by the court from the outset, in spite of the police enquiry, which is the local equivalent of a coroner's inquest. The enquiry had established beyond any shadow of doubt that death had been caused by misadventure, and that Ali was absolutely innocent, not only of any intent to kill, but also of any negligence whatsoever. Any other coroner's jury in the world would have returned a verdict of accidental death, expressed sympathy with the relatives, and absolved all concerned from blame; and there the matter would have ended.

671 Ali, who had already undergone three months in durance
672 vile—which, to a wandering child of the desert, must be
682 particularly galling—so far forgot any tribal instruction he might have had as to repudiate vigorously any responsibility either for the accident or for the restitution of the death in the form of bloodmoney. His family also, who would naturally have to share the payment, did their best to confound the issue by lodging a counter claim. They protested that the actual rope that broke was not theirs, but belonged to a third party, and that neighbouring tribes, who had approved of the project and who stood to benefit by the cistern when it was cleaned out, were conjointly responsible with themselves for any payment due.

The case dragged on unsatisfactorily for some months; the neighbouring tribes swore that no agreement existed whereby they should benefit by the cistern when completed; the question of the ownership of the rope was dropped; and eventually Ali and his family were ordered to pay a reduced scale of bloodmoney to the family of the deceased.

• 683 Sometimes these bloodmoney cases, so far from being
672 dramatic or nauseating, are actually rather amusing.

BLOODMONEY—WESTERN DESERT 67

The plaintiff was an Arab called Salem Ibrahim, who brought an action against a man of another family of his tribe called Ali. The plaint was as follows. Seven years ago Salem's father Ibrahim, a man then about sixty years old, was sitting on a wall near a patch of cultivation belonging to Ali, and watching Ali working on his land. Some dispute arose between them; and, angered at something that Ibrahim had said, Ali picked up a large stone and flung it at Ibrahim. The impact broke the old man's leg; the case was reported to the police; Ali was arrested and imprisoned; and Ibrahim was taken to hospital, where he shortly afterwards died. Ali was thus left in prison, and the case could not be proceeded with from the Ourfi standpoint until he came out. On his release, therefore, the case was to be brought up for settlement, and the plaintiff to claim bloodmoney for his father's death.

Meanwhile, however, plaintiff related how his own family had wanted to get the case cleared up and how Ali's family had also approached them with the idea of extracting Ali from the clutches of the police, so that the case could be tried by an Ourfi court, and a judgment which would be intelligible and acceptable to both parties could be given by their own sheikhs.

Accordingly they agreed together that the plaintiff's family should go to the police, declare that the whole case was a mistake from beginning to end, and that the old man Ibrahim had fallen off the wall, and that nobody had thrown a stone at him. A document to this effect was drawn up, signed and sealed by the notables of Ibrahim's family, and solemnly presented to the police. The evidence seemed so genuine that Ali was released from prison, with implied apologies for wrongful arrest. On his release from prison Ali saw his opportunity, and by some means obtained possession of this document signed by Ibrahim's family.

When the case first came up for trial by Ourfi court, Ali denied throwing the stone, repudiated all responsibility

8: Kennett G-5 (ca. 1921) 1925 MT9 Libyan Bedouin MT9

in the case, and produced this document signed by Ibrahim's family to the effect that Ibrahim *fell* off the wall and broke his leg. How then could he possibly be implicated in the case?

The assessors of the court went carefully into all the evidence and eventually agreed that the matter should be decided by the oath. They demanded that Ali, backed by twenty-five men of his own tribe, chosen by Ibrahim's family as men of their word, should swear on the tomb of Sidi Shar el Ruh the following oath: "By Allah the Great and by the Truth of this Holy Sheikh, I swear that I neither threw a stone at Ibrahim, nor broke his leg." They further decreed that if Ali himself, or any one of the twenty-five men chosen to back him in his oath, failed or refused to swear as required, the case for the defence would be null and void, and that bloodmoney would be required in full from Ali's family.

On the date appointed two or three sheikhs of the court were detailed to go to the tomb, to meet the defendant with his twenty-five backers, and to supervise the taking of the oath. The parties duly arrived; but when the oath was just about to be taken, three men of Ali's backers refused to swear, declaring that on the contrary they were ready to swear, if required, that Ali *had* thrown the stone, and was responsible for Ibrahim's death. The case for the defence thus fell to the ground, and the parties were warned to appear at a future date, when the case would be completed. At the next meeting of the court, Ali's liability to pay bloodmoney was accepted in principle, but there were divergencies of opinion as to the amount to be paid. Then followed a delightful example of casuistry typical of the Bedou mind.

The assessors of the court felt that, in the first instance, Ali had never intended to kill poor old Ibrahim, and that his crime fell very far short of intentional homicide. Also, it had happened seven years before, and, all said and done, time had healed most of whatever ill-feeling there ever

8: Kennett G-5 (ca. 1921) 1925 MT9 Libyan Bedouin MT9

had been. Besides, Ibrahim was an old man when it happened, and he would have to have died before very long in any case. Moreover, the sheikhs in their heart of hearts considerably admired the acumen displayed by Ali in getting hold of that document. So they decided privately among themselves that on the whole half the full bloodmoney, or £150, would meet the case. On no account, however, could they give in open court the above reasons for lessening the sum to be paid. They proceeded to listen patiently to more evidence, and eventually gave their considered judgment as follows:

"Defendant Ali is required to pay the full bloodmoney of £300. *But* in view of the fact that, when the police came to Ali's tent to arrest him seven years ago, in the excitement and commotion caused by the police patrol, Ali's wife gave birth to a premature boy child, and that this boy subsequently died, therefore the sum of £100 will be deducted from the total to be paid, for the sake of the dead baby. Also, as it cannot be proved conclusively that Ibrahim died simply and solely as the result of the stone thrown at his leg, and as it may be conceivably possible that other external causes contributed to his death, for this reason, therefore, another sum of £50 will be deducted. Hence the amount to be paid is £150, of which £50 must be paid after this coming barley harvest, with a similar sum after the two following harvests."

Amateur lawyers are not popular, and more often than not darken counsel without understanding.

An Arab called Salem had some land, and he employed two men of the Hawita tribe as shepherds and harvesters. One of these men was from the Nefoofa family of the Hawita, and the other was from a family called the Magai. These two shepherds worked peacefully together, and their respective families were friendly, until one day an Arab of the Gottaan tribe called Yadam Saadi drove his flocks and his animals on to Salem's land, and began to pitch his tents. These two shepherds saw this going on from afar, and

8: Kennett G-5 (ca. 1921) 1925 MT9 Libyan Bedouin MT9

members of a neutral family with grazing camels, and with their help Mirtah was fetched in to the Wadi unconscious. 682 628

The case was reported to the police, but a few hours after his arrival in the Wadi Mirtah quietly died. The post-mortem examination revealed a skull cracked right across, with severe cerebral haemorrhage. In due course the Sirdani family claimed £400 bloodmoney from the Sayed family, according to the custom among the Gawabees tribe. This time, however, an exception was made. The sheikhs decided that the ordinary bloodmoney of £300 only should be paid by the Sayed to the Sirdani family, £100 in money and £200 in kind, divided into six yearly instalments of £50 each. 672

They also added a rider to the effect that they were not awarding Sanaa under the circumstances, as there was no proof of intent to kill, and that weapons such as guns or knives (which would imply premeditation) were not used. The presumption was that the Sayed family, though obviously intending to cause grievous bodily harm, did not intend to kill Mirtah. The fact that he died of his wounds automatically warranted the award of £300 as bloodmoney, but did not constitute sufficient justification for the imposition of the extra £100 as Sanaa.

In Common Law it is not always easy for the uninitiated to understand the legal value of a threat, or what proportion of the punishment for the completed action is due for a mere threat. It was singularly pleasing, therefore, to find a striking instance of a threat to shoot, and to see the attitude of the Bedouin court towards this particular offence. 671 683•

An Arab called Abd el Kerim was tolerably well-to-do, and owned several camels, a mare, fair-sized flocks of sheep and goats, and certain cultivation rights; and he had two sons aged about sixteen and eighteen respectively. His cousin, Abd el Salam, who lived half a mile away, had four sons of ages ranging from fifteen to twenty, but he was considerably poorer in this world's goods. Abd el Kerim's sons took their camels out to graze, and inadvertently 233 685

8: Kennett G-5 (ca. 1921) 1925 MT9 Libyan Bedouin MT9

233 685 [578] wandered over the boundary of Abd el Salam's grazing rights. The juvenile members of Abd el Salam's family came out from their tents in a body, to drive off their intruding second cousins with their camels. An altercation ensued, and the excitement grew; and eventually a pitched battle with sticks and stones began among the lads.

• 683 One of Abd el Kerim's sons, leaving his brother to hold on for a moment, ran back the half mile to call his father, who returned with him to the scene of the fight carrying his gun. On arrival at the camels, Abd el Salam's sons set on him in a body. Abd el Kerim pointed his gun at one of them and took aim; whereupon one of the other family from behind laid him low with a blow on the top of his head, sufficient to fell an ox.

[114] Abd el Kerim was carried back to his tent, where the writer witnessed the horrible sight of sympathetic but homicidal relatives pawing his open wound with their filthy fingers. A large hole had been knocked in the side of his head, and portions of brain were visible. After some [694] months of surgical treatment Abd el Kerim came out of hospital; and, as the blow was reported to have affected his reason, a case was brought on his behalf by some of his relatives, claiming damages from the family of Abd el Salam. However, before the case was fully completed, [682] Abd el Kerim was taken ill, was re-admitted to hospital, and died. The case therefore became one of bloodmoney, and was dealt with in the usual way.

683 682 695 672 The interesting point about the case, however, lies in the decision of the court, when the first claim for damages was brought up. A very strong line was adopted by the sheikhs, and in the opinion of the court the wounds received by Abd el Kerim were only what he might reasonably expect. They maintained that, after the way in which he had behaved, he was lucky to have got off as lightly as he did. The sheikhs protested that he ought never to have gone out from his tent, and mixed himself up in a fight between a lot of boys. If he had any authority at all, he

8: Kennett G-5 (ca. 1921) 1925 MT9 Libyan Bedouin MT9

should have called a meeting with Abd el Salam, discussed the position sensibly with him, and then the two of them should have beaten all the boys soundly. Secondly, he ought never to have taken his gun with him, which was as stupid as it was dangerous. The fact that Abd el Kerim himself knew that it was not loaded made not the slightest difference to the case, as the boys did not, and could not, know whether it was loaded or not. As one of the sheikhs expressed it, "If you point a gun at me, loaded or unloaded, I'm not going to risk it. So if I retaliate by braining you, then that's your fault—not mine!"

As compared with some of the customs obtaining among the Sinai Arabs, the following case among the Aulad Ali in the Western Desert is illuminating, and will be quoted in full. The question of who is "chief mourner" of the deceased, and who draws the largest share in a bloodmoney case varies considerably between the tribes of Arab and Berber origin. Among the Aulad Ali a woman killed is automatically half the value of a man, whereas among the Arabs the value of a woman depends on a variety of conditions.

A man called Idris had two daughters, Towida and Beida. Beida married a man called Korayem Shushan of the Gereidat tribe, and Towida married Farag Gueida of the Mowalik tribe. A son had been born to Towida and Farag called Lataif Farag; and when Lataif was about four years old, his parents quarrelled about some trifling matter, and Farag divorced Towida. Two months after this, Towida went to spend a day or two with her sister Beida and Korayem, and it was while sitting alone in their tent that the accident happened which was the cause of this lawsuit. It seems that Korayem had left a loaded gun tied up with cord to the roof of the tent, suspended from the poles. While Towida was sitting there, a sudden gust of wind got up, and shook the tent violently. As the tent rocked in the wind, the gun came tumbling down on to a wooden chest between the poles; the impact fired the